

## CHAPTER 2 FAA REGULATORY RESPONSIBILITIES AND METHODOLOGY

### 1. GENERAL

A. The Federal Aviation Administration (FAA) was established by the Federal Aviation Act of 1958 (FA Act). As a regulatory agency within the executive branch of the federal government, the FAA Administrator must take into consideration the following items as being in the public interest:

- Regulation of air commerce in a manner that promotes its development and safety and fulfills the requirements of national defense
- Promotion, encouragement, and development of civil authorities
- Controlled use of the navigable airspace of the United States and the regulation of both civil and military operations in such airspace in the interest of the safety and efficiency of both
- Consolidation of research and development with respect to air navigation facilities, as well as the installation and operation of these facilities
- Development and operation of a common system of air traffic control and navigation for both military and civil aircraft

B. It is with these broad public considerations in mind that the FAA Administrator regulates air commerce. The regulatory process is interactive and its speed is regulated by the need to involve the public in the process. Only in an emergency may the normal regulatory process be accelerated.

**3. REGULATORY PROCEDURES.** The general rule-making procedures followed by the FAA are explained in

FAR Part 11. The procedures require the establishment of a public docket, which is maintained as an official FAA record of each rule-making action. Certain rule-making responsibilities have been delegated to FAA regional directors. For example, responsibility for processing aircraft and engine regulatory proposals and final rules is delegated to certification directorates. However, it is important to remember that the Administrator is the final authority with respect to all aviation safety rule-making actions.

**5. FAA RESPONSIBILITIES.** To fulfill the FAA's regulatory responsibility, the Administrator gives full consideration to the obligation of air operators and air agencies to perform their services with the highest degree of safety in the public interest. The Administrator also considers any differences between air transportation and air commerce. Safety standards, rules, regulations, and certificates are prescribed and revised from time to time to recognize those differences. For example, the regulatory requirements for issuance of a repairman certificate are less stringent than the requirements established for the issuance of an airframe and powerplant mechanic certificate. Accordingly, the privileges of the repairman certificate are limited compared to those of an airframe and powerplant mechanic certificate.

**7. PUBLIC RESPONSIBILITIES AND RIGHTS.** Any interested person may petition the Administrator to issue, amend, or rescind a Federal Aviation Regulations requirement. Petitions for rule-making may also be initiated from within the FAA. All petitions must be specific as to scope and purpose and must contain any information, views, and arguments which support the requested regulatory action. A summary of each public petition is published in the Federal Register to allow for public comment. Normally, the public has 60 days to submit comments on the petition for rule-making. After the close of the public comment period, the FAA considers all comments received and decides whether to accept or deny the petition. If the decision is to deny, a denial of petition is prepared, coordinated, signed, and mailed to the petitioner.

### 9. PROCESSING PROPOSED RULES

A. *Petition for Rule-Making.* If the FAA decides to accept the petition for rule-making, a Notice of Proposed Rule-

Making is prepared by the appropriate FAA office. The Notice of Proposed Rule-Making is signed and published in the Federal Register for public comment. If considered appropriate by the FAA, a public hearing may be held during the public comment period. The public comment period may vary based on the complexity and significance of the proposed regulatory action. After the close of the public comment period, the FAA considers all comments received and decides whether to proceed with a final rule or to withdraw the Notice of Proposed Rule-Making. In

either case, the decision is prepared, coordinated, signed, and published in the Federal Register. Generally, a final rule is effective 30 days after publication in the Federal Register.

B. *FAR Part 11*. The preceding description of the rule-making process is generalized and abbreviated. It is not to be construed as a substitute for FAR Part 11, associated Acts (for example, the Administrative Procedures Act and the National Environmental Policy Act), Executive Orders, Department of Transportation policies and procedures, or FAA rule-making policy and procedures.